

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-092907

07/22/2011

HONORABLE BENJAMIN R. NORRIS

CLERK OF THE COURT

T. Gatz

Deputy

IN RE THE MARRIAGE OF  
NATALIE BARTON

ZUBAIR ASLAMY

AND

TODD BARTON

TODD BARTON  
8747 S PRIEST # 102  
TEMPE AZ 85284  
ANGELA Y PEACOCK

ALTERNATIVE DISPUTE  
RESOLUTION - CCC  
FAMILY COURT SERVICES-CCC

**RULE 69 AGREEMENT  
SETTLEMENT CONFERENCE SET  
TEMPORARY ORDERS HEARING SET  
TRIAL SET**

Courtroom 404 SEF

9:02 a.m. This is the time set for Resolution Management Conference regarding Petitioner/Mother's *Motion for Temporary Orders Re: Custody, Parenting Time, Child Support, Spousal Maintenance, Community Obligations and Attorney's Fees* filed June 16, 2011 and Respondent/Father's *Response to Motion for Temporary Orders Re: Custody, Parenting Time, Child Support, Spousal Maintenance, Community Obligations and Attorney's Fees* filed July 11, 2011. Petitioner/Mother, Natalie Barton is present telephonically with counsel, Zubair Aslamy. Respondent/Father, Todd Barton, is present with counsel, Angela Peacock.

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A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Counsel for Mother advises the Court that agreements have been reached regarding custody and parenting time.

Counsel states the agreements on the record.

The parties state they are in agreement with the stipulation as stated on the record.

**THE COURT FINDS** the agreement is not a result of coercion, is fair and equitable, in the best interests of the child and is binding upon both parties pursuant to Rule 69, and the Court adopts the agreement as the order of the Court.

Based upon the parties' agreement,

**IT IS ORDERED** that Father shall pay to Mother as and for temporary spousal maintenance the sum of \$1,750.00 per month, payable through the Support Payment Clearinghouse, by Wage Assignment, commencing August 1, 2011.

**IT IS ORDERED** that Father shall pay to Mother as and for temporary child support the sum of \$747.00 per month, payable through the Support Payment Clearinghouse by Wage Assignment, effective August 1, 2011.

**LET THE RECORD REFLECT** an *Order of Assignment* will be initiated electronically.

**IT IS FURTHER ORDERED** that at any time an *Order of Assignment* is not paying the spousal maintenance obligation in full, Father shall make full and timely payments directly to the Support Payment Clearinghouse in accordance with the instructions for making support payments through the Clearinghouse attached hereto.

If payments are made directly to the person who is to receive the support, the payments may be considered a gift and no credit will be given towards the support obligation.

Any change in the paying party's employment and any change in the residential address of either party **must** be submitted to the Clerk's Office, in writing, within ten (10) days of the change [A.R.S. § 25-322(C)]. Failure to notify the Clerk's Office of any change may be considered contempt of Court.

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All spousal maintenance paid by Husband to Wife shall be tax deductible for Husband and shall be deemed income to Wife for income tax purposes. Further, the award shall be modifiable as to amount and duration in accordance with A.R.S. Section 25-327. It shall terminate upon the death of either party or remarriage of Wife.

**IT IS FURTHER ORDERED** that Father shall complete and submit to the Court the *Current Employer Information* form attached hereto.

**IT IS ORDERED** awarding the parties' temporary joint legal custody of the minor children, Savannah, born August 27, 1994 and Katey, born July 6, 1999.

**IT IS FURTHER ORDERED** that Katey shall reside primarily with Mother and Savannah shall reside primarily with Father.

**IT IS ORDERED** that Mother shall drive the BMW and is responsible for paying all debts and expenses connected with the vehicle pending any further order of the Court.

**IT IS FURTHER ORDERED** that Father shall have the boat and is responsible for paying all debts and expenses connected with the boat pending any further order of the Court.

**IT IS ORDERED** that Father shall continue to temporarily pay for all medical, dental and vision insurance for Mother and the children.

**IT IS ORDERED** affirming the **Settlement Conference set for August 18, 2011 at 9:00 a.m. before Judge Pro Tempore Wendy Morton.** Counsel and/or the parties will receive a notice from ADR setting forth the necessary settlement conference information. Counsel and/or the parties should notify ADR (602-506-7884) when the parties reach an agreement prior to the scheduled settlement conference.

**IT IS ORDERED** setting **Temporary Orders Hearing on August 26, 2011 at 8:30 a.m. (Time allotted: 1 hour) in this Division at the Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona 85210.**

**IT IS FURTHER ORDERED** any evidence intended to be submitted as exhibits at the time of the Evidentiary Hearing must be brought to this Court's Clerk in Courtroom 404 **no later than 12:00 p.m. on Wednesday, August 17, 2011 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the

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**hearing, each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the “Bench Copy”.**

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

**IT IS ORDERED setting Trial to the Court on November 4, 2011 at 9:00 a.m. (Time allotted: 3 hours) before the Honorable Benjamin Norris, Southeast Judicial District, 222 East Javelina Avenue, Courtroom 404, Mesa, Arizona, 85210.**

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed one-half of the available time to present all direct, cross, redirect examination and any argument. **The parties are expected to complete the trial in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least thirty (30) days prior to trial setting forth good cause to extend the time** and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS ORDERED** any evidence intended to be submitted as exhibits at the time of the Trial must be brought to this Court’s Clerk in Courtroom 404 **no later than 12:00 p.m. on Wednesday, October 26, 2011 with a coversheet listing the description of the exhibits.** All exhibits must be hand-delivered to Courtroom 404 and must have colored paper separating the exhibits. Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. In addition, at the time of the commencement of the hearing, **each party shall provide an extra copy of the exhibits for use by the Court during the hearing. This extra set of exhibits shall be noted to be the “Bench Copy”.**

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**IT IS FURTHER ORDERED** that the failure of either party to appear at the time of trial, or to timely present the Joint Pre-Trial Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D), Arizona Rules of Family Law Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

**IT IS ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall complete all disclosure requirements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits on or before October 21, 2011.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than October 21, 2011.
3. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company, business, medical or health care provider or employer possessing any relevant information.

**IT IS FURTHER ORDERED** that Counsel for both parties shall confer at least thirty (30) days prior to trial to conduct settlement discussions, prepare a Joint Pre-Trial Statement in accordance with Rule 76(C)(1), Arizona Rules of Family Law Procedure, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.

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Thereafter, the Joint Pre-Trial Statement shall be filed and a copy delivered to this Division by no later than October 26, 2011. Further, pursuant to Rule 76(C) (2), each party shall file with the Joint Pre-Trial Statement the following:

- a) An Affidavit of Financial Information on a form approved by the Court.
- b) If financial/property issues are in dispute, a detailed itemized inventory of property and debt in accordance with Rule 97, form 12, "Inventory of Property and Debt".
- c) A proposed parenting plan.
- d) A proposed parent's worksheet for child support.

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-Trial Statement which exhibits they have agreed will be admissible at trial as well as any specific objections that will be made to any exhibit if offered at trial which is not agreed to be admitted. Reserving all objections to the time of trial will not be permitted.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure.

Continuances, postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

**IT IS FURTHER ORDERED** signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure.

Dated this 22<sup>nd</sup> day of July, 2011

/S/ BENJAMIN NORRIS

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BENJAMIN NORRIS  
SUPERIOR COURT JUDICIAL OFFICER

9:20 a.m. Matter concludes.

**PLEASE NOTE:** This Court utilizes a digital audio recording system to preserve the official record of proceedings. Persons requesting copies of recorded proceedings do not have to provide blank CDs. All CDs will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Counsel or litigants must complete the appropriate request form which may be obtained from the Self-Service Center or from Court staff and present the completed form to the Self-Service Center. All fees must be handled through the Self-Service

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Center. Upon payment of the appropriate fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.

Attachments:

TODD BARTON: Current Employer Information, Non IV-D Payment Instructions